

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.211 OF 2005

Fiat India Auto Pvt.Ltd.

... Petitioners

v/s

Kirloskar A.A.F.

... Respondents

Ms Aparna Vishwanath i/b M/s Shah Legal for
Petitioners.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 29TH JUNE 2005.

P.C.

:-

1. The petitioners raised an objection to the jurisdiction of the Arbitral Tribunal. That objection was rejected. The order is relatable only to the provisions of section 16 of the Arbitration and Conciliation Act 1996. Because according to the petitioners, the Arbitral Tribunal did not disclose reasons for its finding in the order rejecting objection raised by the petitioners to the jurisdiction of the Arbitral Tribunal, an application for review was filed. That application has also been rejected on the ground that the Arbitral Tribunal has not been vested with powers of review under the said Act. The settled law is that if application challenging jurisdiction of the Arbitral Tribunal is rejected, challenge to that order can be made only after final award is made. No challenge to an order rejecting the objection to the jurisdiction of the Arbitral Tribunal can be raised while the arbitration proceedings are pending. The petition is devoid of any substance. It is rejected.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary of this Court as true copy.

. Certified copy expedited.
